

REMARKS

In this Amendment and Response, Applicant has amended Claims 1-2 and 4-5. Claim 1 has been amended to further clarify the structure and operation of the claimed handle bar and to remove limitations that are unnecessary to distinguish the prior art. Claim 2 was amended to clarify that the claimed handle bar is rotatable with respect to the top surface of the platform and to remove limitations that are unnecessary to distinguish the prior art.

Claim 4 was amended to clarify Applicant's method of stretching and to remove limitations that are unnecessary to distinguish the prior art. Claim 5 was amended to remove limitations that are unnecessary to distinguish the prior art.

New Claims 8-19 have also been added. No claims have been deleted. No new matter has been added.

Rejection of Claims 1-3 Under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1-3 as anticipated by Chen, U.S. Patent No. 6,220,995. Reconsideration and withdrawal of the rejection is respectfully requested.

As amended, Claim 1 recites that the claimed handle bar is adapted to allow the user to stretch his or her muscles by gripping the handle bar while slidingly moving the handle bar from a retracted position to an extended position and from the extended position to the retracted position wherein the sliding movement of the handle bar from the retracted position to the

extended position and from the extended position to the retracted position is in a direction generally parallel to the top surface of the platform.

The Examiner contends that Chen's handle bar slidably engages the bottom of Chen's platform via the engagement of sleeve members 18 and 19 with tube members 16, 17. However, Chen's handle bar is not adapted as claimed. While Chen's sleeve and tube members allow the user to vary the position of handle 40 with respect to seat pad 11, they do not allow the user to grip the handle bar while slidably moving it from a retracted position to an extended position and from the extended position to a retracted position. Instead, the user is only able to adjust handle 40 by releasing each fixing bolt 162 and 171, and moving each sleeve member in one direction to align a new fixing hole 181 with the thread hole 161 on each of the tube members 16 and 17. Once the fixing and threaded holes are aligned, each fixing bolt 162 and 171 is re-inserted through the thread holes 161 and fixing holes 181. If the user then desires to move the handle 40 in another direction, the fixing bolts must again be released and the foregoing operation repeated. Thus, the handle bar cannot be gripped while slidably moved as claimed. Claims 2 and 3 depend from Claim 1, and therefore, are allowable over Chen as well.

New Claims 8-19 are also allowable over Chen. Claim 8

recites a muscle stretching device comprising a handle bar having a handle bar track that slidably engages a platform track. Chen does not disclose or suggest these claim features. Claim 9 depends from Claim 8 and is similarly allowable over Chen on this basis.

Claim 10 recites a muscle stretching device comprising a handle bar that is slideable in the lengthwise direction of a platform, wherein the platform length is greater than its width. Chen does not disclose or suggest this features of Claim 10.

Claim 11 recites a muscle stretching device comprising a handle bar having a handle bar connector that slidably engages a platform connector beneath the bottom surface of the platform. In Chen, the sleeve members 18 and 19 are located on the sides of seat pad 11. Thus, Chen does not disclose or suggest the limitations of Claim 11.

Claim 12 recites a method of stretching the muscles comprising lying on a platform, gripping a handle bar, and sliding the handle bar away from the platform in a direction generally parallel to the plane. Chen does not disclose or suggest lying on a platform or sliding a handle bar as claimed. Claims 13-18 depend from Claim 12 and recite additional patentable features.

Claim 19 recites a muscle stretching device comprising a platform having a surface, a handle bar that is rotatable with

respect to the platform surface and a means for slidably engaging the handle bar and the platform. Chen does not disclose the claimed means for slidably engaging the handle bar and the platform. Thus, Claim 19 is allowable over Chen.

Rejection of Claims 1-7 Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-7 as obvious under 35 U.S.C. § 103(a) in view of Conner, U.S. Patent No. 6,458,062. According to the Examiner, Conner discloses all of the features of Claims 1-7 except for the use of padding on the user's seat.

Conner discloses an abdominal exercise device and method. The device includes an arm support 14 that pivots about axle 36. The arm support 14 is fixed to a stanchion 11, the height of which is adjustable. Stanchion 11 is connected to seat 13 by horizontal base member 29.

The Examiner apparently contends that Conner's arm support 14 is a handle bar. Accepting that characterization as true, however, arm support 14 cannot be slidably moved in a direction that is generally parallel to seat 13 because guides 18 and 28' are rigidly affixed to horizontal base member 29, which in turn, is attached to seat post 30. Conner at 2:56-61. Thus, Conner does not disclose the subject matter of Claims 1-7 and 10.

Similarly, Conner does not disclose or suggest the sliding engagement of a handle bar track and a platform track

connected to the bottom surface of a platform. Thus, it does not disclose or suggest the subject matter of new Claims 8 and 9.

Nor does it disclose the subject matter of Claim 11, which recites a handle bar having a handle bar connector that slidingly engages a platform connector beneath the surface of a platform.

Claims 12-18 recite a method of stretching the muscles comprising lying on a platform defining a plane, gripping the handle bar and sliding the handle bar away from the platform in a direction generally parallel to the plane. Conner does not disclose or suggest these steps.

Claim 19 recites a muscle stretching device comprising a platform, a handle bar and a means for slidingly engaging the handle bar and the platform. Conner's handle bar does not slide with respect to the seat, thus Conner does not disclose the subject matter of Claim 19.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: April 12, 2005

By: 

Steven R. Hansen, Esq.
Reg. No. 39,214
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067-4308
(310) 203-8080